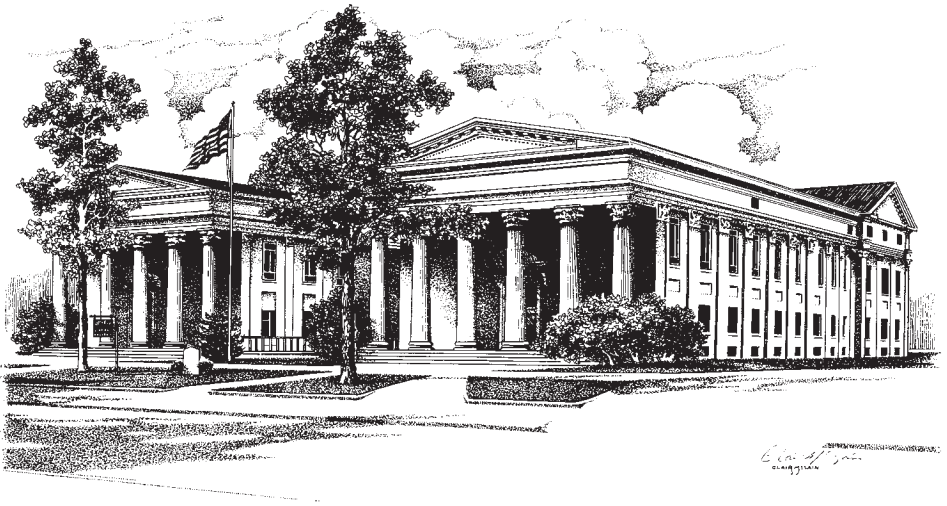


Erie  
County  
Legal  
Journal

August 17, 2018

Vol. 101 No. 33



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101 ERIE 125 - 132  
Commonwealth v. Parajuli

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# Erie County Legal Journal

*Reporting Decisions of the Courts of Erie County  
The Sixth Judicial District of Pennsylvania*

Managing Editor: Megan E. Black

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# Erie County Bar Association

## Calendar of Events and Seminars

### MONDAY, AUGUST 20, 2018

ECBA Live Seminar  
*Faultlines & Eruptions! Legal Ethics in Perilous Times*  
Manufacturers & Business  
Association Conference Center  
8:30 a.m. - Noon  
(8:00 a.m. registration/breakfast)  
\$140 (ECBA members/their non-attorney staff)  
\$180 (non-members)  
3 hours ethics CLE/CJE credits

### MONDAY, AUGUST 20, 2018

Bankruptcy Section Meeting  
Noon  
The Will J. & Mary B. Schaaf Education Center

### TUESDAY, AUGUST 21, 2018

Family Law Section Meeting  
Noon  
Judge Walsh's courtroom

### WEDNESDAY, AUGUST 22, 2018

Senior Lawyer Division Event  
1.5 hour Day Sail - 2:00 p.m. - 3:30 p.m.  
\$25/person; \$20/Flagship Niagara League members

### THURSDAY, AUGUST 23, 2018

Young Lawyers Division Lunch with Judge Baxter  
Noon  
The Erie Club

### MONDAY, AUGUST 27, 2018

ECBA Board of Directors Meeting  
Noon  
ECBA Headquarters

### WEDNESDAY, AUGUST 29, 2018

*Recognizing and Responding to Possible Elder  
Investment Fraud and Financial Exploitation*  
The Will J. & Mary B. Schaaf Education Center  
9:00 a.m. - 10:30 a.m.  
(8:30 a.m. registration)  
\$70 (ECBA members/their non-attorney staff)  
\$90 (non-members)  
1.5 hours substantive CLE/CJE credits

### WEDNESDAY, AUGUST 29, 2018

In-House Counsel Meeting  
Noon  
ECBA Headquarters

### FRIDAY, AUGUST 30, 2018

Judicial Committee Meeting  
Noon  
ECBA Headquarters

### MONDAY, SEPTEMBER 3, 2018

Labor Day  
ECBA Office Closed  
Erie County and Federal Courthouses Closed



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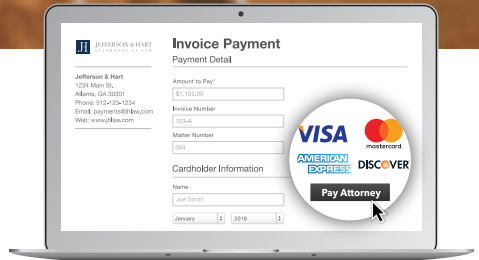
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## COMMONWEALTH OF PENNSYLVANIA

v.

**RAM PARAJULI, Petitioner***CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT /  
ELIGIBILITY FOR RELIEF*

A Petitioner must meet all four requirements of 42 Pa.C.S. § 9543(a) to be eligible for relief under the Post-Conviction Relief Act.

*CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT /  
INEFFECTIVE ASSISTANCE OF COUNSEL*

The Pennsylvania Supreme Court has held that to obtain relief on a claim alleging ineffective assistance of counsel, the Petitioner must demonstrate the following: (1) the claim underlying the ineffectiveness claim has arguable merit; (2) counsel's actions lacked any reasonable basis; and (3) counsel's actions resulted in prejudice to petitioner.

*CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT /  
INEFFECTIVE ASSISTANCE OF COUNSEL*

Prejudice in the context of ineffective assistance of counsel means demonstrating that there is a reasonable probability that, but for counsel's error, the outcome of the proceeding would have been different.

*CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT /  
INEFFECTIVE ASSISTANCE OF COUNSEL*

Where a defendant alleges ineffectiveness of counsel in connection with the entry of a guilty plea, the defendant must demonstrate that said ineffectiveness caused the defendant to enter an involuntary or unknowing plea. If the defendant enters a guilty plea on the advice of his counsel, the voluntariness of the plea depends on whether counsel's advice was within the range of competence demanded of attorneys in criminal cases.

*CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT /  
INEFFECTIVE ASSISTANCE OF COUNSEL*

The Supreme Court of the United States has held that a defendant's counsel must inform a noncitizen of whether a risk exists that the defendant will be deported as a result of the defendant's plea. The United States Supreme Court noted situations will arise whereby a defendant's likelihood of deportation is unclear and uncertain. In these situations where the law is not succinct and straightforward, a criminal defense attorney need do no more than advise a noncitizen client that pending criminal charges may carry a risk of adverse immigration consequences. However, the United States Supreme Court further stated that when the deportation consequence is truly clear, the duty to give correct advice is equally clear. *See Padilla v. Kentucky*, 559 U.S. 356, 374 (2010).

*CRIMINAL PROCEDURE / POST-CONVICTION RELIEF ACT /  
INEFFECTIVE ASSISTANCE OF COUNSEL*

While a deportation statute may lead to the conclusion that a violation thereof will subject the defendant to deportation, counsel for a defendant is not required to inform the defendant that he will definitely be deported. All that is required of counsel is that he provide "correct advice" regarding the deportation consequences of a defendant's plea, such as advising the defendant that a substantial risk of deportation exists or that the likely consequences of entering a plea is deportation proceedings being instituted against the defendant. *See Commonwealth v. Escobar*, 70 A.3d 838, 841 (Pa. Super. 2013).

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

NO. CR 1112 of 2016

494 of 2017

495 of 2017

Appearances: Anser Ahmad, Esq., on behalf of Ram Parajuli  
Jessica Lasley, Esq. and Jeremy Lightner, Esq. for the Commonwealth  
Matthew G. Porsch, Esq.

**OPINION**

Domitrovich, J.

July 23, 2018

AND NOW, to-wit, this 23rd day of July, 2018, after a thorough review of the Petition for Post-Conviction Collateral Relief (“PCRA Petition”), filed by Ram Parajuli (“Petitioner”), by and through his counsel, Anser Ahmad, Esq., and the Commonwealth’s Response to Petitioner’s Petition for Post Conviction Collateral Relief, filed by Assistant District Attorney Jessica Lasley; as well as a thorough and independent review of the entire record; and upon consideration of the relevant statutory law and case law, it is hereby **ORDERED, ADJUDGED AND DECREED** that Defendant’s PCRA Petition is hereby **DISMISSED** as his Petition states no grounds for which relief may be granted under the Post-Conviction Relief Act, 42 Pa.C.S. § 9541 *et seq.*

On May 16, 2016, the District Attorney’s Office filed a Criminal Information at Docket No. 1112 of 2016, charging Petitioner with five counts of Theft from a Motor Vehicle in violation of 18 Pa.C.S. § 3934(a), five counts of Receiving Stolen Property in violation of 18 Pa.C.S. § 3925(a), and ten counts of Loitering and Prowling at Night Time in violation of 18 Pa.C.S. § 5506. The following year, on March 24, 2017, the District Attorney’s Office filed a Criminal Information at Docket No. 494 of 2017, charging Petitioner with (1) Loitering and Prowling at Night Time in violation of 18 Pa.C.S. § 5506; (2) Theft from a Motor Vehicle in violation of 18 Pa.C.S. § 3934(a); and (3) Receiving Stolen Property in violation of 18 Pa.C.S. § 3925(a). On that same day, March 24, 2017, the District Attorney’s Office filed a Criminal Information at Docket No. 495 of 2017, charging Petitioner with (1) Theft by Unlawful Taking in violation of 18 Pa.C.S. § 3921(a); (2) Theft from a Motor Vehicle in violation of 18 Pa.C.S. § 3934(a); (3) Access Device Fraud in violation of 18 Pa.C.S. § 4106(a)(3); and (4) Loitering and Prowling at Night Time in violation of 18 Pa.C.S. § 5506.

On December 1, 2016, Matthew G. Porsch, Esq., entered his appearance on behalf of Petitioner at Docket No. 1112 of 2016. On February 22, 2017, Petitioner filed his Application for Public Defender at Docket Nos. 494 of 2017 and 495 of 2017, which indicates that on January 17, 2017, Petitioner’s financial eligibility for court appointed counsel was verified by the Erie County Public Defender’s Officer and Attorney Porsch.

Petitioner entered into a counseled plea agreement with the Commonwealth pursuant to which Petitioner pled guilty: (1) at Docket No. 1112 of 2016: count five (Theft from a Motor Vehicle) and count eleven (Loitering and Prowling at Night); (2) at Docket No. 494 of 2017: count two (Theft from a Motor Vehicle); and (3) at Docket No. 495 of 2017: count

one (Theft by Unlawful Taking). The Commonwealth agreed to *nolle pros* the remaining criminal charges against Petitioner at the above-referenced docket numbers.

On June 19, 2017, a Plea and Sentencing Hearing was held, at which Assistant Attorney Jeremy Lightner informed Petitioner of the rights he was relinquishing by entering a guilty plea. Specifically, before Petitioner entered a plea, Attorney Lightner informed Petitioner:

MR. LIGHTNER: If you are a foreign national or a naturalized citizen, your guilty plea or your conviction may result in deportation from the United States. If you think that's the case, you should speak to an immigration attorney. . . .

(See Notes of Testimony, Plea and Sentence (“N.T.”), June 19, 2017, pg. 4:4-8). Thereafter, the following exchange occurred:

THE COURT: And, sir, you understand English very well?

THE DEFENDANT: Yes ma'am.

THE COURT: Okay, he doesn't -- not need an interpreter?

MR. PORSCHE: No.

(N.T. at 6:19-24). Before Petitioner entered his plea, Attorney Lightner further inquired of Petitioner as to whether Petitioner had any questions regarding the rights Petitioner agreed to relinquish by entering a plea:

MR. LIGHTNER: All right, Mr. Parajuli, were you in the courtroom a couple minutes ago when I went over the rights you have prior to entering a guilty plea?

THE DEFENDANT: Yes sir.

MR. LIGHTNER: Do you have any questions about those rights?

THE DEFENDANT: No sir.

(N.T. at 6:19-24). Furthermore, Petitioner signed a “Defendant’s Statement of Understanding of Rights Prior to Guilty Plea,” which states at the bottom of the sheet just above the signature line: “I have signed this paper only after first reading and reviewing it.” (See Defendant’s Statement of Understanding of Rights Prior to Guilty Plea, filed June 19, 2017). Said written Statement of Understanding of Rights expressly sets forth the following understanding:

I understand that if I am a foreign national or naturalized citizen that my plea of guilty or conviction of certain crimes may result in my deportation from the United States of America.

(*Id.*). Finally, just before Petitioner was sentenced, Petitioner acknowledged Attorney Porsch had previously advised Petitioner that entering a guilty plea could potentially have consequences related to Petitioner’s immigration status, and Petitioner acknowledged he understood the potential immigration consequences in entering a guilty plea:

MR. PORSCHE: And I've also talked to you about since you're not an American citizen –

THE COURT: Oh, yeah.

MR. PORSCHE: – this could affect your citizenship, your status with immigration. We’ve talked about that; correct?

THE DEFENDANT: Yes.

MR. PORSCHE: Okay. That’s all, Your Honor. Thank you.

(N.T. at 28:1-9). This Trial Court then accepted Petitioner’s plea and expressly found Petitioner entered his plea knowingly, voluntarily, and intelligently. (*Id.* at 22:23-23:2).

After Petitioner entered his plea but before Petitioner was sentenced, plea counsel for Petitioner, Attorney Porsch, explained to the court the facts underlying the charges the District Attorney brought against Petitioner:

MR. PORSCHE: Thank Your Honor. Your Honor, obviously this involved a number of motor vehicles over a number of cases. Essentially what Mr. Parajuli was doing was at the time he had no job; his family is from Nepal, they are all immigrants and they’re having essentially financial problems. And he would essentially go from car to car to see if they were locked or unlocked. If they were unlocked, he would go in and steal spare change or anything that was loose and then walk away. And he wasn’t even really good at this, because he was caught a number of times doing this by different police departments. . . .

(*Id.* at 25:11-23).

Thereafter, this Trial Court sentenced Petitioner at Docket No. 1112 of 2016: count five (Theft from a Motor Vehicle) to forty-eight (48) days to one year in the Erie County Prison and credited Petitioner forty-eight (48) days for time served and paroled Petitioner from the courtroom. (*Id.* at 31:10-18). At count eleven (Loitering and Prowling at Night) of Docket No. 1112 of 2016, this Trial Court sentenced Petitioner to one year of probation consecutive to count five. (*Id.* at 31:19-20; *see also* Sentencing Order at Docket No. 1112 of 2016, attached as Exhibit “A”). At Docket No. 494 of 2017: count two (Theft from a Motor Vehicle), this Trial Court sentenced Petitioner to one year of probation concurrent to the one year of probation at count eleven of Docket No. 1112 of 2016. (N.T. at 31:21-24; *see also* Sentencing Order at Docket No. 494 of 2017, attached as Exhibit “B”). This Trial Court also sentenced Petitioner at Docket No. 495 of 2017: count one (Theft by Unlawful Taking) to one year of probation concurrent to the one year of probation at Docket No. 494 of 2017. (N.T. at 31:21-24; *see also* Sentencing Order at Docket No. 495 of 2017, attached as Exhibit “C”). As a result, Petitioner’s aggregate sentence constituted forty-eight (48) days to one year of incarceration followed by one year of probation with credit for forty-eight (48) days served, and Petitioner was paroled from the courtroom.

Moreover, this Trial Court *nolle prossed* Petitioner’s remaining criminal charges as follows:

- Docket No. 1112 of 2016: counts one through four (each count being Theft from a Motor Vehicle), counts six through ten (each count being Receiving Stolen Property), and counts twelve through twenty (each count being Loitering and Prowling at Night Time).



- Docket No. 494 of 2017: count one (Loitering and Prowling at Night Time) and count three (Receiving Stolen Property); and
- Docket No. 495 of 2017: count two (Theft from a Motor Vehicle), count three (Access Device Fraud) and count four (Loitering and Prowling at Night Time).

(See Disposition/Commitment for Docket Nos. 1112 of 2016, 494 of 2017, and 495 of 2017, attached as Exhibit “D”).

On June 19, 2017, Petitioner was paroled from his sentence at the above-referenced docket numbers.

On December 26, 2017, the U.S. Department of Homeland Security sent Petitioner a “Notice to Appear” (“Notice”) ordering Petitioner to appear before an immigration judge of the U.S. Department of Justice to show why Petitioner should not be removed from the United States. (See Exhibit “A” of PCRA Petition). Specifically, the U.S. Department of Homeland Security alleged in said Notice that Petitioner is a native and citizen of Nepal; Petitioner’s status is that of a lawful permanent resident; Petitioner was convicted of the above-referenced crimes; and the aforesaid crimes did not arise out of a single scheme of criminal misconduct. (*Id.*). Thus, the U.S. Department of Homeland Security charged that Petitioner is subject to removal from the United States pursuant to Section 237(a)(2)(A)(ii) of the Immigration and Nationality Act in that, after Petitioner was admitted to the United States as a permanent resident, Petitioner was convicted of two crimes involving moral turpitude not arising out of a single scheme of criminal misconduct. (*Id.*). The U.S. Department of Homeland Security also charged that Petitioner is subject to removal from the United States pursuant to Section 237(a)(2)(A)(iii) in that he was convicted of an aggravated felony as defined in Section 101(a)(43)(G) of the Immigration and Nationality Act, a law related to theft. (*Id.*).

According to Petitioner’s PCRA Petition, on March 6, 2018, the U.S. Department of Homeland Security, Immigration and Customs Enforcements detained and charged Petitioner with deportability from the United States.

On April 13, 2018, Petitioner filed timely the instant PCRA Petition, wherein Petitioner alleges Petitioner’s plea counsel was ineffective. In particular, Petitioner contends his plea counsel did not inform Petitioner that his plea “would result in his mandatory detention in immigration custody and possible deportation from the United States.” (See PCRA Petition at ¶ 14). As a result, Petitioner alleges his plea was not knowingly, voluntarily, and intelligently entered. Thus, Petitioner requests this Trial Court vacate Petitioner’s judgment and permit Petitioner to proceed to counseled plea negotiations or trial.

Under the Post-Conviction Collateral Relief Act, to be eligible for relief, a petitioner must plead and prove by a preponderance of the evidence all of the following:

- (1) That the petitioner has been convicted of a crime under the laws of this Commonwealth and is at the time relief is granted:
  - i. Is currently serving a sentence of imprisonment, probation or parole for the crime;
  - ii. Awaiting execution of a sentence of death for the crime; or
  - iii. Serving a sentence which must expire before the person may commence serving the disputed sentence;

- (2) That the conviction or sentence resulted from one or more of the following:
- i. A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States, which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place;
  - ii. Ineffective assistance of counsel which in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place;
  - iii. A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent;
  - iv. The improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court;
  - v. The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced;
  - vi. The imposition of a sentence greater than the lawful maximum;
  - vii. A proceeding in a tribunal without jurisdiction;
- (3) That the allegation of error has not been previously litigated or waived; and
- (4) That the failure to litigate the issue prior to or during trial, during unitary review or on direct appeal could not have been the result of any rational, strategic or tactical decision by counsel.

42 Pa.C.S. § 9543(a). A Petitioner must meet all four requirements of the statute to be eligible for relief. *Commonwealth v. Rachak*, 62 A.3d 389, 394 (Pa.Super.2012). In this case, Petitioner has satisfied the first requirement because he is currently serving a sentence of probation for a period of one (1) year supervised by the County Probation Department pursuant to the sentence on his conviction of count eleven (Loitering and Prowling at Night) at Docket No. 1112 of 2016, count two (Theft from a Motor Vehicle) at Docket No. 494 of 2017, and count one (Theft by Unlawful Taking) at Docket No. 495 of 2017.

Second, Petitioner is required to plead and prove by a preponderance of the evidence that Petitioner's convictions or sentences resulted due to the ineffectiveness of his plea counsel and so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place. *See* 42 Pa.C.S. § 9543(a)(2). The Pennsylvania Supreme Court has held that to obtain relief on a claim alleging ineffective assistance of counsel, the Petitioner must demonstrate the following: "(1) the claim underlying the ineffectiveness claim has arguable merit; (2) counsel's actions lacked any reasonable basis; and (3) counsel's actions resulted in prejudice to petitioner." *Commonwealth v. Cox*, 983 A.2d 666, 678 (Pa. 2009). "Prejudice in the context of ineffective assistance of counsel means demonstrating that there is a reasonable probability that, but for counsel's error, the outcome of the proceeding would have been different." *Id.*

Moreover, where a defendant alleges ineffectiveness of counsel in connection with the

entry of a guilty plea, the defendant must demonstrate that said ineffectiveness caused the defendant to enter an involuntary or unknowing plea. *Commonwealth v. Anderson*, 995 A.2d 1184, 1192 (Pa. Super. 2010). If the defendant enters a guilty plea on the advice of his counsel, the voluntariness of the entry of the plea “depends on whether counsel’s advice was within the range of competence demanded of attorneys in criminal cases.” *Commonwealth v. Moser*, 921 A.2d 526, 531 (Pa. Super. 2007) (quoting *Commonwealth v. Hickman*, 799 A.2d 136, 141 (Pa. Super. 2002)). However, “the law does not require that the defendant be pleased with the outcome of his decision to enter a plea of guilty: All that is required is that his decision to plead guilty be knowingly, voluntarily and intelligently made.” *Anderson*, 995 A.2d at 1192.

The Supreme Court of the United States has held that a defendant’s counsel must inform a noncitizen of whether a risk exists that the defendant will be deported as a result of the defendant’s plea. *Padilla v. Kentucky*, 559 U.S. 356, 374 (2010). The United States Supreme Court noted situations will arise whereby a defendant’s likelihood of deportation is unclear and uncertain. *Id.* at 369. In these situations where “the law is not succinct and straightforward . . . , a criminal defense attorney need do no more than advise a noncitizen client that pending criminal charges may carry a risk of adverse immigration consequences.” *Id.* However, the United States Supreme Court further stated that “when the deportation consequence is truly clear . . . the duty to give correct advice is equally clear.” *Id.*

In the instant PCRA Petition, Petitioner claims his plea counsel was ineffective since his plea counsel engaged in a “course of conduct in which he failed to advise Petitioner that there would be any immigration consequences to the plea, where the plea was for a clearly deportable offense.” (See PCRA Petition at ¶ 23). However, this contention is wholly without merit. Indeed, while a deportation statute may lead to the conclusion that a violation thereof will subject the defendant to deportation, counsel for a defendant is not required to inform the defendant that he will definitely be deported. *Commonwealth v. Escobar*, 70 A.3d 838, 841 (Pa. Super. 2013). All that is required of counsel is that he provide “correct advice” regarding the deportation consequences of a defendant’s plea, such as advising the defendant that a substantial risk of deportation exists or that the likely consequences of entering a plea is deportation proceedings being instituted against the defendant. *See id.*

In *Escobar*, defendant was subject to deportation pursuant to the provisions under 8 U.S.C. § 1227. *Id.* at 840. That defendant filed a PCRA petition alleging ineffective assistance of counsel contending his counsel failed to advise him of possible deportation consequences as a result of his plea. *Id.* At the time the defendant entered his guilty plea, the defendant signed a written plea colloquy which indicated he understood deportation was possible, and his plea counsel informed him that he faced a risk of deportation. *Id.* In addition, the Pennsylvania Superior Court in *Escobar* noted no absolute certainty existed as to whether the U.S. Attorney General and/or other personnel would necessarily take all the steps needed to institute and carry out defendant’s actual deportation. *Id.* at 841. Thus, the Pennsylvania Superior Court in *Escobar* concluded counsel was not ineffective since defendant knew deportation was possible and since counsel had advised him that a risk of deportation existed. *Id.* at 841.

In the instant case, as in *Escobar*, Petitioner is subject to deportation pursuant to the provisions under 8 U.S.C. § 1227. Also like the defendant in *Escobar* who signed a written plea colloquy, Petitioner in the instant case signed a “Defendant’s Statement of Understanding

of Rights Prior to Guilty Plea” wherein Petitioner acknowledged that a plea of guilty or conviction of certain crimes may result in his deportation from the United States. In addition, similar to *Escobar*, Petitioner’s plea counsel advised Petitioner that deportation consequences could result from his plea, which Petitioner expressly acknowledged on the record before the undersigned judge prior to entering his plea. Furthermore, Petitioner was also advised by Assistant District Attorney Lightner that Petitioner should seek the advice of an immigration attorney. *See Commonwealth v. Wah*, 42 A.3d 335, 340 (Pa. Super. 2012) (dismissing PCRA petition alleging counsel was ineffective for failing to advise defendant of immigration consequences of pleading guilty where defendant was advised that he should seek advice of an immigration attorney).

Petitioner’s plea counsel in the instant case was well within the range of competence demanded of attorneys in criminal cases. Since Petitioner’s plea counsel was not deficient, Petitioner’s claim that his plea counsel, Matthew G. Porsch, Esq., should have advised him differently is entirely without merit for the record itself in the instant case speaks otherwise. Petitioner therefore has not established his plea counsel was ineffective. Similarly, Petitioner has failed to establish his plea counsel’s conduct induced an unknowing, involuntary, or unintelligent plea.

Thus, for all of the foregoing reasons, Petitioner’s PCRA Petition is hereby **DISMISSED**. Defendant has thirty (30) days from the date of this Order to appeal if he so desires.

**BY THE COURT**

**/s/ Stephanie Domitrovich, Judge**

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**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 12054-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Mary Ann Beck to Mary Ann Schmeisser.

The Court has fixed the 18th day of September, 2018 at 9:15 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Aug. 17

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 12007-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Demiera LaRonda Davis to Queen Demi-Louise Davis.

The Court has fixed the 21st day of September, 2018 at 9:15 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Aug. 17

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 12035-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Isabella Rose Guzman to Isabella Rose DiNicola.

The Court has fixed the 19th day of September, 2018 at 3:00 p.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why

the prayer of the Petitioner should not be granted.

Aug. 17

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 11887-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Bryce James Higley to Bryce James Jaquith.

The Court has fixed the 8th day of October, 2018 at 8:45 a.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Aug. 17

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 11472-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Joseph Michael Zanni to Megan Victoria Zanni.

The Court has fixed the 4th day of September, 2018 at 3:10 p.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501 as the time and place for the Hearing on said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Aug. 17

**FICTITIOUS NAME NOTICE**

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of Carrying On or Conducting Business under an Assumed or Fictitious Name." Said Certificate contains the following information:

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN,

pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Erie County, Pennsylvania under the assumed or fictitious name, style or designation of Name: Arvite, with its principal place of business at: 12069 East Main Road, North East, PA 16428. The names and addresses of all persons or entities owning or interested in said business are: F3 Metalworx, Inc., 12069 East Main Road, North East, PA 16428. The application has been filed on 7/26/2018.

Aug. 17

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Erie County, Pennsylvania under the assumed or fictitious name, style or designation of Name: Arvite Technologies, with its principal place of business at: 12069 East Main Road, North East, PA 16428. The names and addresses of all persons or entities owning or interested in said business are: F3 Metalworx, Inc., 12069 East Main Road, North East, PA 16428. The application has been filed on 7/26/2018.

Aug. 17

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Erie County, Pennsylvania under the assumed or fictitious name, style or designation of Name: Cost Effective Coatings, with its principal place of business

at: 12069 East Main Road, North East, PA 16428. The names and addresses of all persons or entities owning or interested in said business are: F3 Metalworx, Inc., 12069 East Main Road, North East, PA 16428. The application has been filed on 7/26/2018.

Aug. 17

**FICTITIOUS NAME NOTICE**

Notice is hereby given that an application for registration of fictitious name has been filed with the Department of State, Commonwealth of Pennsylvania on the 10th day of July, 2018. The fictitious name is: 1. Driftwood Wine Cellars. 2. Address of the principal place of business, including street and number: 480 Gay Road, North East, PA 16428. 3. The real name(s) and address, including street and number of the persons who are parties to the registration: Stempka Cellars, LLC. – c/o John R. Stempka, Member, 856 Richard Drive, Erie, PA 16509 Jeffrey G. Herman, Esq. 114 High Street Waterford, PA 16441

Aug. 17

**FICTITIOUS NAME NOTICE**

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 07, 2018 for Levi James Coaching at 1146 West 33rd Street, Erie, PA 16508. The name and address of each individual interested in the business is Levi James Giancotti at 1146 West 33rd Street, Erie, PA 16508. This was filed in accordance with 54 Pa.C.S. 311.

Aug. 17

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Erie County, Pennsylvania under the assumed or

fictitious name, style or designation of Name: Shearer's Foods Waterford, with its principal place of business at: 821 Route 97 South, Waterford, PA 16441. The names and addresses of all persons or entities owning or interested in said business are: Barrel O'Fun Snack Food Co., LLC, 821 Route 97 South, Waterford, PA 16441. The application has been filed on 8/2/2018.

Aug. 17

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act of Assembly No. 295, effective March 16, 1983, of intention to file in the office of the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, an application for the conduct of a business in Erie County, Pennsylvania under the assumed or fictitious name, style or designation of Name: Wire Weld, with its principal place of business at: 12069 East Main Road, North East, PA 16428. The names and addresses of all persons or entities owning or interested in said business are: F3 Metalworx, Inc., 12069 East Main Road, North East, PA 16428. The application has been filed on 7/26/2018.

Aug. 17

**INCORPORATION NOTICE**

BENSON MILLS, INC. filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 140 58th Street, Building A, 7J, Brooklyn, NY 16501. The commercial registered office provider is in care of Corporate Creations Network Inc. in Erie County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412.

Aug. 17

**INCORPORATION NOTICE**

Notice is hereby given that LECOM Student Government Association, Inc. has been incorporated under the provisions of the Business

Corporation Law of 1988, as amended.

Anthony A. Logue, Esq.  
2622 Parade Street  
Erie, Pennsylvania 16504

Aug. 17

**LEGAL NOTICE**

Court of Common Pleas  
Erie County, Pennsylvania  
Civil Action-Law  
No. 2018-10966  
Notice of Action in  
Mortgage Foreclosure

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, Plaintiff vs. Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under Ann Marie Smith a/k/a Anna Marie Smith, deceased and Jason P. Smith, Known Heir of Ann Marie Smith a/k/a Anna Marie Smith, deceased, Defendant(s)

NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY

TO: Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest From or Under Ann Marie Smith a/k/a Anna Marie Smith, deceased, Defendant(s), whose last known address is 8875 Tannery Road, Girard, PA 16417.

Your house (real estate) at: 8875 Tannery Road, Girard, PA 16417, 24-014-45.0-001.00, is scheduled to be sold at Sheriff's Sale on 10/19/18, at 10:00AM, at Erie County Sheriff's Office, 140 W. Sixth St., Erie, PA 16501, to enforce the court judgment of \$122,197.96, obtained by Bayview Loan Servicing, LLC, a Delaware Limited Liability Company (the mortgagee) against you. - NOTICE OF OWNER'S RIGHTS - YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE - To prevent this Sheriff's Sale you must take immediate action: 1. The sale will be cancelled if you pay back to Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, the amount of the judgment plus costs or the back payments, late charges, costs, and reasonable attorneys fees due. To find out how much you must pay, you may call 610.278.6800. 2.

You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause. 3. You may be able to stop the sale through other legal proceedings. 4. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice below on how to obtain an attorney.) - YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE - 5. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling 610.278.6800. 6. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property. 7. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened you may call 814.451.7012. 8. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened. 9. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you. 10. You may be entitled to a share of the money, which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff no later than thirty days after the Sheriff Sale. This schedule will state who will be receiving the money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the date of filing of said schedule. 11. You may also have other rights and defenses or ways of getting your house back, if you act immediately after the sale. **YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A**

**LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.** Erie County Lawyer Referral Service, Lawyer Referral & Info. Service, P.O. Box 1792, Erie, PA 16507, 814.459.4411. **PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.** Christopher A. DeNardo, Kristen D. Little, Kevin S. Frankel, Samantha Gable, Daniel T. Lutz, Leslie J. Rase, Alison H. Tulio, Stephanie A. Walczak & Katherine M. Wolf, Attys. for Plaintiff, Shapiro & DeNardo, LLC, 3600 Horizon Dr., Ste. 150, King of Prussia, PA 19406, 610.278.6800.

Aug. 17

**LEGAL NOTICE  
NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE  
IN THE COURT OF COMMON  
PLEAS OF ERIE COUNTY,  
PENNSYLVANIA  
CIVIL ACTION – LAW**

No. 11785-18

WELLS FARGO BANK, NA,  
Plaintiff

vs.

NICOLE NELSON, in her capacity as Heir of JACK C. NELSON A/K/A JACK C. NELSON, JR., Deceased, UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER JACK C. NELSON A/K/A JACK C. NELSON, JR., DECEASED,  
Defendants

**NOTICE**

To UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER JACK C. NELSON A/K/A JACK C. NELSON, JR., DECEASED

You are hereby notified that on July 10, 2018, Plaintiff, WELLS FARGO BANK, NA, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ERIE County Pennsylvania, docketed to No. 11785-18. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 639 WRIGHT STREET, CORRY, PA 16407-1256 whereupon your property would be sold by the Sheriff of ERIE County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

**NOTICE**

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

**IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Notice to Defend:  
Lawyer Referral &  
Information Service  
P.O. Box 1792  
Erie, PA 16507

Telephone (814) 459-4411

Aug. 17

**LEGAL NOTICE**

**MARSHAL'S SALE:** By virtue of a Writ of Execution issued out of



the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at 112 East 2nd Street, Waterford, PA 16441 more particularly described in Erie County Deed Book 1534, Page 0213. **SAID SALE** to be held in the Erie County Courthouse, Room 209, 140 West Sixth Street, Erie, PA 16501 at 10:00 a.m. prevailing, standard time, on September 12, 2018. All that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. (46)009-044.0-015.00 recorded in Erie County, Pennsylvania. Seized and taken in execution as the property of Beverly L. Graves, at the suit of the United States of America, acting through the Rural Housing Service, on behalf of United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 1:18-CV-00071.

**TERMS OF SALE:** Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting

United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at [www.resales.usda.gov](http://www.resales.usda.gov).

Aug. 17, 24, 31 and Sept. 7



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**AUDIT LIST  
NOTICE BY  
KENNETH J. GAMBLE**

**Clerk of Records**

**Register of Wills and Ex-Officio Clerk of  
the Orphans' Court Division, of the**

**Court of Common Pleas of Erie County, Pennsylvania**

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **Wednesday, August 8, 2018** and confirmed Nisi.

**September 19, 2018** is the last day on which Objections may be filed to any of these accounts.

Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely. A time will be fixed for auditing and taking of testimony where necessary in all other accounts.

<u>2018</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
275.	Richard L. Carrara.....	Joseph E. Sadler, ..... Harry D. Martin, Co-Executors	James D. McDonald Jr., Esq.
276.	Richard W. Hovis ..... a/k/a Richard Hovis	Scott E. Miller, Executor.....	Scott E. Miller, Esq.
277.	Edward J. Bowes, Sr. .... a/k/a Edward J. Bowes	Edward J. Bowes, Jr., Executor.....	Evan E. Adair, Esq.
278.	Joseph F. Lehner .....	David A. Lehner, ..... Administrator, C.T.A.	Gary H. Nash, Esq.
279.	Robin Ann Reade ..... a/k/a Robin A. Reade	Stacy L. Reade, ..... Administrator, C.T.A.	John C. Lackatos, Esq.
280.	Ruth Harden .....	Elbert Barnes, ..... Richard Harden, Co-Executors	Gary J. Shapira, Esq.

KENNETH J. GAMBLE  
Clerk of Records  
Register of Wills &  
Orphans' Court Division

Aug. 17, 24

**ESTATE NOTICES**

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

**FIRST PUBLICATION**

**BLACK, JEAN L., a/k/a JEAN BLACK, a/k/a JEAN LUCILLE BLACK, deceased**

Late of the Township of North East, County of Erie, Commonwealth of Pennsylvania

*Executrix:* Martha J. Merritt, c/o John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

*Attorney:* John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

**CLAPSADL, ALDINA D., deceased**

Late of the Township of Harborcreek, County of Erie, and Commonwealth of Pennsylvania

*Executrix:* Mary A. Minick, c/o Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507

*Attorney:* Gary V. Skiba, Esq., Yochim, Skiba & Nash, 345 West 6th Street, Erie, PA 16507

**EDWARDS, DONALD J., deceased**

Late of the Borough of North East, County of Erie, State of Pennsylvania

*Executor:* Charles Rosequist, c/o 78 East Main Street, North East, PA 16428

*Attorney:* BRYDON LAW OFFICE, Attorney John C. Brydon, 78 East Main Street, North East, PA 16428

**GREEN, JOHN NELSON, a/k/a JOHN N. GREEN, deceased**

Late of McKean, Erie County, Pennsylvania

*Administratrix:* Cindy Maine, c/o Mary Alfieri Richmond, Esquire, 150 East 8th Street, Floor 1, Erie, PA 16501

*Attorney:* Mary Alfieri Richmond, Esquire, 150 East 8th Street, Floor 1, Erie, PA 16501

**MAHONEY, TIMOTHY C., deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania

*Executor:* Erin E. Mahoney, c/o VLAHOS LAW FIRM, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508  
*Attorney:* Darlene M. Vlahos, Esq., Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508

**McCLURE, HARVEY D., a/k/a HARVEY D. McCLURE, ESQ., deceased**

Late of City of Erie, Erie County, Commonwealth of Pennsylvania

*Executrix:* Christine H. McClure, c/o 120 W. 10th Street, Erie, PA 16501

*Attorneys:* Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**ROOT, DAVID B., SR., deceased**

Late of the Borough of Erie  
*Executor:* David B. Root, Jr., 78 Hoodridge Drive, Pittsburgh, PA 15228

*Attorney:* Shannon L. Crew, Esquire, Houston Harbaugh, PC, Three Gateway Center, 401 Liberty Avenue, 22nd Floor, Pittsburgh, PA 15222-1005

**ROOT, MARJORIE D., deceased**

Late of the Borough of Erie  
*Executor:* David B. Root, Jr., 78 Hoodridge Drive, Pittsburgh, PA 15228

*Attorney:* Shannon L. Crew, Esquire, Houston Harbaugh, PC, Three Gateway Center, 401 Liberty Avenue, 22nd Floor, Pittsburgh, PA 15222-1005

**SCARNATI, JUDITH ANN, a/k/a JUDITH A. SCARNATI, deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania

*Executor:* John S. Scarnati, c/o Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508  
*Attorney:* Darlene M. Vlahos, Esq., Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508

**SCHULTZ, HENRY L., JR., deceased**

Late of Township of Millcreek, Erie County, Pennsylvania

*Executor:* Bonnie Maynard, c/o Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

*Attorney:* Joseph P. Martone, Esquire, Martone & Peasley, 150 West Fifth Street, Erie, Pennsylvania 16507

**SICILIANO, ANTHONY C., deceased**

Late of North East Borough, County of Erie, Commonwealth of Pennsylvania

*Executor:* Robert M. Loesch, c/o Leigh Ann Orton, Esq., Sebald Hackwelder Orton, 68 E. Main Street, North East, PA 16428

*Attorney:* Leigh Ann Orton, Esq., Sebald Hackwelder Orton, 68 E. Main Street, North East, PA 16428

**THEISEN, PHYLLIS C., a/k/a  
PHYLLIS THEISEN,  
deceased**

Late of the Township of Millcreek, Commonwealth of Pennsylvania  
*Executrix:* Anne E. Ferrando, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* James J. Bruno, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**SECOND PUBLICATION****BERADUCCI, ANGELINE C.,  
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Paula Ann Tipton, c/o Kevin M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* Kevin M. Monahan, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**BISHOP, RACHELLE M.,  
deceased**

Late of Fairview, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Julie Bishop Nolan, c/o Kevin M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* Kevin M. Monahan, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**BRISSEY, YVONNE RUTH, a/k/a  
YVONNE R. BRISSEY,  
deceased**

Late of Harborcreek Township, Erie County, Pennsylvania  
*Co-Executors:* Debra DeSantis and Brian Brissey, 1074 Hobbs Lane, Waterford, PA 16441  
*Attorney:* James P. Shields, Esq., Elder Law Offices of Shields & Boris, 109 VIP Drive, Suite 102, Wexford, PA 15090

**DAWLEY, SHAWN M., a/k/a  
SHAWN MICHAEL DAWLEY,  
a/k/a SHAWN DAWLEY,  
deceased**

Late of the Township of Greene, County of Erie and Commonwealth of Pennsylvania  
*Co-Executrixes:* Kaitlynn A. Dawley & Kerrin B. Dawley, c/o 3210 West 32nd Street, Erie, Pennsylvania 16506-2702  
*Attorney:* Peter W. Bailey, Esquire, 3210 West 32nd Street, Erie, Pennsylvania 16506-2702

**GUNKEL, ARLENE A., a/k/a  
ARLENE ANN GUNKEL,  
deceased**

Late of the Township of Waterford, County of Erie, Commonwealth of Pennsylvania  
*Administrator C.T.A.:* Harrison Stackpole, 831 East Street, Waterford, PA 16441  
*Attorney:* None

**KARLE, WILLIAM J., a/k/a  
WILLIAM KARLE,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Administrator:* Richard A. Vendetti, Esquire, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* Richard A. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**LEWIS, JEANN,  
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania  
*Executrix:* Sidney P. Lewis, c/o 78 East Main Street, North East, PA 16428  
*Attorney:* BRYDON LAW OFFICE, Attorney John C. Brydon, 78 East Main Street, North East, PA 16428

**MESSENKOPF, PHILIP C.,  
deceased**

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Michael J. Ducato, c/o 300 State Street, Suite 300, Erie, PA 16507  
*Attorney:* Thomas V. Myers, Esquire, Marsh Spaeder Baur Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

**MOZUR, EVELYN M.,  
deceased**

Late of Township of Millcreek  
*Executrix:* Dorothy J. Mozur, 624 Mallard Dr., Elyria, OH 44035  
*Attorney:* Michael A. Fetzner, Esquire, Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**NICHOLSON, LINDA A.,  
deceased**

Late of the City of Erie  
*Executor:* James D. Nicholson, 2021 East 12th Street, Erie, PA 16511  
*Attorney:* David B. Cercone, Esquire, Cercone, Erlain & Associates, 564 Forbes Avenue, Suite 1100, Pittsburgh, PA 15219

**NIEBAUER, MARGARET M.,  
a/k/a MARGARET NIEBAUER,  
deceased**

Late of the Township of Fairview, County of Erie and State of Pennsylvania  
*Executor:* Carl Austin Niebauer, 1114 W. 26th Street, Erie, PA 16508  
*Attorney:* Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**ZALEWSKI, RAYMOND G.,  
deceased**

Late of Summit Township, Erie County, Commonwealth of Pennsylvania  
*Executor:* James R. Zalewski, c/o Thomas C. Hoffman, II, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**THIRD PUBLICATION**

**DALESKI, ANDREW F., JR.,  
deceased**

Late of the Township of Summit, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Angel Neimeic, c/o John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507  
*Attorney:* John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

**DORMAN, MICHAEL ALLEN,  
a/k/a MICHAEL A. DORMAN,  
deceased**

Late of Greene Township  
*Executor:* Barbara Ann Harman  
*Attorney:* Steven E. George, Esquire, George Estate and Family Law, 305 West 6th Street, Erie, PA 16507

**GOTT, JAMES L.,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Tracy Ann Ozimek, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**KENNEDY, GEORGE T., a/k/a  
GEORGE KENNEDY,  
deceased**

Late of the City of Erie  
*Administrator:* John Kennedy, 4517 Castleberry Hill, Charleston, WV 25309  
*Attorney:* None

**LEIBIG, JAMES E., a/k/a JAMES  
ELMER LEIBIG, a/k/a JAMES  
LEIBIG,  
deceased**

Late of Erie, Erie County, Pennsylvania  
*Executrix:* Karen S. Malone, c/o Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501  
*Attorney:* Peter J. Sala, Esquire, 731 French Street, Erie, PA 16501

**NIENTEMP, SHIRLEY,  
deceased**

Late of City of Erie  
*Executor:* James Brucato, 8156 NW 68th Ave., Tamarac, FL 33321  
*Attorney:* David J. Mack, Esquire, 510 Parade Street, Erie, PA 16507

**RAJECKI, SHIRLEY E., a/k/a  
SHIRLEY RAJECKI,  
deceased**

Late of the Township of McKean, County of Erie and State of Pennsylvania  
*Executor:* David R. Devine, c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412  
*Attorney:* David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

**RICHERT, DAVID LEE, a/k/a  
DAVID L. RICHERT, a/k/a  
DAVID RICHERT,  
deceased**

Late of the City of Erie, County of Erie, State of Pennsylvania  
*Administratrix:* Carol J. Hudick, 224 Pheasant Drive, Girard, Pennsylvania 16417  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**SIMON, CECYL M., a/k/a  
CECYL MARIE SIMON,  
deceased**

Late of Millcreek Township  
*Executrix:* Kristina M. Bennett, c/o 246 West 10th Street, Erie, PA 16501  
*Attorney:* Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**SPILKO, CHRISTINE A.,  
deceased**

Late of City of Erie  
*Executor:* David J. Mack, 510 Parade Street, Erie, PA 16507  
*Attorney:* David J. Mack, Esquire, 510 Parade Street, Erie, PA 16507

**STEVENS, DR. ELMER J., a/k/a  
ELMER J. STEVENS,  
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania  
*Executor:* Todd Andrew Stevens, c/o Frances A. McCormick, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Frances A. McCormick, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**TRUST NOTICES**

Notice is hereby given of the administration of the Trust set forth below. All persons having claims or demands against the decedent are requested to make known the same and all persons indebted to said decedent are required to make payment without delay to the trustees or attorneys named below:

**MONTGOMERY, M. JEAN,  
a/k/a MARJORIE JEAN  
MONTGOMERY,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Trustee:* Philip E. Montgomery  
*Attorney:* H. Valentine Holz II, Esquire, The Holz Law Firm, 8331 Edinboro Road, Erie, PA 16509

**CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS**

COREY A. BAUER ..... 412-243-1600  
Dodaro Matta & Cambest PC ..... (f) 412-243-1643  
1900 Main St. Ste 207  
Canonsburg, PA 15317 ..... [cbauer@law-dmc.com](mailto:cbauer@law-dmc.com)

**ATTENTION ALL ATTORNEYS**

Are you or an attorney you know dealing with personal issues related to drug or alcohol dependency, depression, anxiety, gambling, eating disorders, sexual addiction, other process addictions or other emotional and mental health issues?

**— YOU ARE FAR FROM BEING ALONE! —**

*You are invited and encouraged to join a small group of fellow attorneys who meet informally in Erie on a monthly basis. Please feel free to contact ECBA Executive Director Sandra Brydon Smith at 814/459-3111 for additional information. Your interest and involvement will be kept **strictly confidential**.*

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